REMARKS

Upon entry of this amendment, claims 1-19, 21 and 22 are all the claims pending in the application. Claims 20 and 23 have been canceled by this amendment.

Applicants note that minor editorial amendments have been made to the specification for grammatical and general readability purposes. No new matter has been added.

I. Objection to the Claims

A. Claims 1, 15, 21 and 22 have been objected to for the reasons set forth on page 2 of the Office Action. In particular, the Examiner has objected to the phrase "recording medium" because the Examiner has indicated that a regular recording medium cannot perform the functions recited in the above-noted claims.

In order to expedite prosecution, Applicants have modified the above-noted claims based on the Examiner's suggestion in the Office Action by replacing the phrase "recording medium" with the phrase --portable recording device--. Accordingly, Applicants respectfully request that the objection to claims 1, 15, 21 and 22 be reconsidered and withdrawn.

B. Claim 20 was objected to due to a minor informality. As noted above, claim 20 has been canceled by this amendment.

C. Claims 9 and 17 were objected to as being of improper dependent form. By this amendment, Applicants note that claims 9 and 17 have been drafted as independent claims, and have been amended so as to address the conflicting language identified by the Examiner.

Accordingly, Applicants kindly request that the objection to claims 9 and 17 be reconsidered and withdrawn.

II. Claim Rejections under 35 U.S.C. § 101

Claims 19 and 22 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. By this amendment, Applicants note that claims 19 and 22 have each been amended as suggested by the Examiner so as to recite that the program is embodied on a computer-readable storage medium. Accordingly, Applicants kindly request that the above-noted rejection under 35 U.S.C. 101 be reconsidered and withdrawn.

III. Claim Rejections under 35 U.S.C. § 102(b)

Claims 5, 6, 11 and 18-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Otsuka et al. (U.S. 6,094,723). Applicants respectfully traverse this rejection on the following basis.

Claim 5 is drawn to a portable recording device that includes a tamper-resistant module which is operable to judge, based on the license information, whether an operation is permitted, and when judged in the affirmative, to output to an information-processing device an instruction showing that the operation is permitted, and to rewrite the license information in accordance with the operation. Applicants respectfully submit that Otsuka does not disclose or suggest such a feature.

Regarding Otsuka, Applicants note that this reference discloses a system having a recording/reproduction apparatus 1 which is connected to a host computer 2, wherein the

recording reproduction apparatus 1 is able to read and write data to and from a disk 90, and is able to send and receive commands to and from the host computer 2 (see Fig. 11 and col. 7, lines 40-49).

In Otsuka, it is disclosed that the disk 90 includes a ROM area (AE) and a rewritable area (ARW), wherein an install system and application programs are stored in the ROM area, and an install management file is stored in the rewritable area (see Fig. 14). As explained in Otsuka, the install system stored in the disk 90 is read by the host computer 2 and functions as an install system application program 2e in the host computer 2 (see Fig. 12 which shows the install system application program 2e of host computer 2; and col. 10, lines 5-9).

As disclosed in Otsuka, when a user of the host computer 2 wishes to install an application program stored on the disk 90, the user loads the disk 90 into the recording/reproduction apparatus 1 and operates the host computer 2 to start the installation process (see col. 11, lines 21-26). In Otsuka, it is assumed that the installation of an application program stored on disk 90 is allowed to take place up to three times, wherein the install system on the disk 90 stores the number Np of permitted installations (see col. 12, lines 36-45).

As explained with reference to Fig. 16 of Otsuka, in the installation process (step F101), the install system 2e of the host computer 2 causes the install management file of the disk 90 to be read by the host computer 2 (step F101), and causes the host computer 2 to determine, based on the information in the install management file, the number Ni of times installation of the application has been performed (step F103) (see col. 12, lines 61-67; and col. 16, lines 36-42).

Next, in step F104, the host computer 2 compares the number Ni of times installation of the application has been performed (which was obtained from the install management file of the

disk 90) with the number Np of permitted installations (which was obtained from the install system of the disk 90), and if Ni is less than Np, then the installation of the application program is permitted to be carried out (see col. 13, lines 1-5).

Thus, as is clear from the description above, in Otsuka, the install system 2e stored on the host computer 2 causes the host computer 2 to obtain, from the disk 90, the number Np of permitted installations and the number Ni of times installation has been performed, whereby the host computer 2 then performs a comparison of Np and Ni in order to determine whether the application program stored on the disk 90 can be installed in the host computer 2.

As noted above, claim 5 is drawn to a portable recording device that includes a tamper-resistant module which is operable to judge, based on the license information, whether an operation is permitted, and when judged in the affirmative, to output to an information-processing device an instruction showing that the operation is permitted, and to rewrite the license information in accordance with the operation.

In the Office Action, the Examiner has taken the position that the install system stored on the disk 90 corresponds to the above-noted "tamper-resistant module" of claim 5 (see Office Action at page 6). Applicants respectfully disagree.

In particular, as explained above, in Otsuka, while the install system of the disk 90 is read by the host computer 2 and is stored on the host computer 2 as install system 2e, the install system stored on disk 90 clearly does not perform the comparison of the number Ni to the number Np so as to determine whether installation can take place. Instead, as clearly described in Otsuka, and as explained above, it is the install system 2e on the host computer 2 which performs the comparison between Ni and Np, with Ni and Np having been obtained from the

disk 90.

In a similar manner, as the install system stored on disk 90 is merely able to be read by the host computer 2, contrary to the position taken by the Examiner, Applicants note that the install system stored on disk 90 clearly is not able to output to the host computer 2 an instruction showing that installation is permitted. Instead, as discussed above, the install system on disk 90 is merely able to be read by the host computer 2, whereby the host computer 2 then performs a comparison between Ni and Np to determine whether installation can be carried out.

In view of the foregoing, Applicants respectfully submit that while Otsuka discloses a host computer 2 that is able to read information from a disk 90 so as to determine whether an application program stored on disk 90 can be installed on the host computer 2, that Otsuka does not disclose or in any way suggest the feature of a portable recording device that includes a tamper-resistant module which is operable to judge, based on license information, whether an operation is permitted, and when judged in the affirmative, to output to an information-processing device an instruction showing that the operation is permitted, and to rewrite the license information in accordance with the operation, as recited in claim 5.

Thus, as Otsuka does not disclose, suggest or otherwise render obvious at least the above-noted feature recited in claim 5, Applicants submit that claim 5 is patentable over Otsuka, an indication of which is kindly requested. Claims 6 and 11 depend from claim 5 and are therefore considered patentable at least by virtue of their dependency.

Regarding claim 18, Applicants note that this claim is drawn to a control method used by a portable recording device that includes a normal storage unit having stored therein software that is computer data, a secure storage unit not directly accessible from outside and having stored

therein license information relating to a usage condition of the software, and a tamper-resistant module, the control method comprising judging, based on the license information, whether an operation, being one of installing software on an information-processing device and deactivating installed software, is permitted; outputting to the information-processing device when judged in the affirmative, an instruction showing the operation to be permitted; and rewriting the license information in accordance with the operation.

For at least similar reasons as discussed above with respect to claim 5, Applicants respectfully submit that Otsuka does not disclose, suggest or otherwise render obvious such features. Accordingly, Applicants submit that claim 18 is patentable over Otsuka, an indication of which is kindly requested.

Regarding claim 19, Applicants note that this claim recites the feature of judging, based on the license information stored in the secure storage unit, whether an operation, being one of installing software on an information-processing device and deactivating installed software, is permitted; outputting to the information-processing device when judged in the affirmative, an instruction showing the operation to be permitted; and rewriting the license information in accordance with the operation.

For at least similar reasons as discussed above with respect to claim 5, Applicants respectfully submit that Otsuka does not disclose, suggest or otherwise render obvious such features. Accordingly, Applicants submit that claim 19 is patentable over Otsuka, an indication of which is kindly requested.

IV. Claim Rejections under 35 U.S.C. § 103(a)

A. Claims 12 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Otsuka et al. (U.S. 6,094,723).

Claims 12 and 13 depend from claim 5. As discussed above, Applicants respectfully submit that Otsuka does not disclose, suggest or otherwise render obvious all of the features recited in claim 5. Accordingly, Applicants submit that claims 12 and 13 are patentable at least by virtue of their dependency.

B. Claims 1-4, 15 and 20-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Otsuka et al. (U.S. 6,094,723) in view of Tagawa (U.S. 7,096,504).

Claim 1 recites the feature of a portable recording device that includes a tamper-resistant module operable to judge, based on the license information, whether an operation, being one of installing software on the information-processing device and deactivating installed software, is permitted, and when judged in the affirmative, to output to the information-processing device an instruction showing that the operation is permitted, and to rewrite the license information in accordance with the operation.

For at least similar reasons as discussed above with respect to claim 5, Applicants respectfully submit that Otsuka does not disclose, suggest or otherwise render obvious such a feature. Further, Applicant respectfully submits that Tagawa fails to cure this deficiency of Otsuka.

Accordingly, Applicants submit that claim 1 is patentable over the cited prior art, an indication of which is kindly requested. Claims 2-4 depend from claim 1 and are therefore

considered patentable at least by virtue of their dependency.

Regarding claim 15, Applicants note that this claim is drawn to an information-processing device that performs at least one of installing and deactivating software, the information-processing device comprising: a receiving unit operable to receive an instruction from a portable recording device; and a control unit operable to perform, in accordance with the received instruction, one of (i) receiving software from the portable recording device and installing the received software in said information-processing device, and (ii) deactivating installed software, wherein the portable recording device includes a tamper-resistant module operable to judge, based on the license information, whether an operation, being one of installing software on said information-processing device and deactivating installed software, is permitted, and when judged in the affirmative, to output to said information-processing device an instruction showing that the operation is permitted, and to rewrite the license information in accordance with the operation.

For at least similar reasons as discussed above with respect to claim 5, Applicants respectfully submit that Otsuka does not disclose, suggest or otherwise render obvious such features. Further, Applicant respectfully submits that Tagawa fails to cure this deficiency of Otsuka. Accordingly, Applicants submit that claim 15 is patentable over the cited prior art, an indication of which is kindly requested.

Regarding claims 21 and 22, Applicants note that each of these claims recites the features of receiving an instruction from a portable recording device; and performing, in accordance with the received instruction, one of (i) receiving software from the portable recording device and installing the received software in the information-processing device, and (ii) deactivating

installed software, wherein the portable recording device includes a tamper-resistant module operable to judge, based on the license information, whether an operation, being one of installing software on the information-processing device and deactivating installed software, is permitted, and when judged in the affirmative, to output to the information-processing device an instruction showing that the operation is permitted, and to rewrite the license information in accordance with the operation.

For at least similar reasons as discussed above with respect to claim 5, Applicants respectfully submit that Otsuka does not disclose, suggest or otherwise render obvious such features. Further, Applicant respectfully submits that Tagawa fails to cure this deficiency of Otsuka. Accordingly, Applicants submit that claims 21 and 22 are patentable over the cited prior art, an indication of which is kindly requested.

C. Claims 7-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Otsuka et al. (U.S. 6,094,723) in view of Talstra et al. (U.S. 2005/0076225).

Claims 7, 8 and 10 depend from claim 5. Applicants respectfully submit that Talstra does not cure the deficiencies of Otsuka, as discussed above, with respect to claim 5. Accordingly, Applicants submit that claims 7, 8 and 10 are patentable at least by virtue of their dependency.

Regarding claim 9, Applicants note that this claim has been drafted in independent form and is drawn to a recording medium comprising a tamper-resistant module operable to judge, based on the license information, whether an operation, being one of installing software on an information-processing device and deactivating installed software, is permitted, and when judged in the affirmative, to extract the signature data from the license information, to output the

extracted signature data to the information-processing device, and to write the license information in accordance with the operation.

With respect to such features, as discussed above with respect to claim 5, in Otsuka, while the install system of the disk 90 is read by the host computer 2 and is stored on host computer as install system 2e, the install system stored on disk 90 does not perform the comparison of the number Ni to the number Np so as to determine whether installation can take place. Instead, as clearly described in Otsuka, and as explained above, it is the install system 2e on the host computer 2 which performs the comparison between Ni and Np, with Ni and Np having been obtained from the disk 90.

As such, Applicants respectfully submit that Otsuka clearly does not disclose, suggest or otherwise render obvious a recording medium that comprises a tamper-resistant module operable to judge, based on the license information, whether an operation is permitted, and when judged in the affirmative, to extract the signature data from the license information, to output the extracted signature data to the information-processing device, and to write the license information in accordance with the operation, as recited in amended claim 9. Further, Applicants respectfully submit that Talstra fails to cure this deficiency of Otsuka.

In view of the foregoing, Applicants respectfully submit that claim 9 is patentable over the cited prior art, an indication of which is kindly requested.

D. Claim 14 was rejected under 35 U.S.C. §103(a) as being unpatentable over Otsuka et al. (U.S. 6,094,723) in view of Jones et al. (U.S. 2002/0111996).

Claim 14 depends from claim 5. Applicants respectfully submit that Jones does not cure

the deficiencies of Otsuka, as discussed above, with respect to claim 5. Accordingly, Applicants submit that claim 14 is patentable at least by virtue of its dependency.

E. Claims 16 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Otsuka et al. (U.S. 6,094,723) in view of Tagawa et al. (U.S. 7,096,504), and further in view of Talstra et al. (U.S. 2005/0076225).

Claim 16 depends from claim 15. Applicants respectfully submit that Talstra does not cure the deficiencies of Otsuka and Tagawa, as discussed above, with respect to claim 15. Accordingly, Applicants submit that claim 16 is patentable at least by virtue of its dependency.

Regarding claim 17, Applicants note that this claim has been drafted in independent form and is drawn to an information-processing device comprising a receiving unit operable to receive an instruction from a recording medium; and a control unit operable to perform, in accordance with the received instruction, one of (i) receiving software from the recording medium and installing the received software in said information-processing device, and (ii) deactivating installed software, wherein the recording medium includes a tamper-resistant module operable to judge, based on the license information, whether an operation is permitted, and when judged in the affirmative, to extract the signature data from the license information, to output the extracted signature data to said information-processing device, and to rewrite the license information in accordance with the operation.

For at least similar reasons as discussed above with respect to claim 5, Applicants respectfully submit that Otsuka does not disclose, suggest or otherwise render obvious such features. Further, Applicants respectfully submit that Tagawa and Talstra do not cure this

deficiency of Otsuka. Accordingly, Applicants respectfully submit that claim 17 is patentable over the cited prior art, an indication of which is kindly requested.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may best be resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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